

**How many allegations have been made against gardaí in Donegal Division in 2022 to date?**

**Can I also be provided with a breakdown of the allegations?**

A few items to note.

- The figure below is drawn from complaints received in 2022. Please see the note at the foot of this email for an explanation of this, and for more information on how complaints are processed, including matters of admissibility.
- Please note that the below information should be treated as indicative only. It was retrieved on foot of your request and does not represent official, published, statistical information from GSOC.
- Related to this, I note that this information is indicative of the situation as of today. Information on cases, by its nature, is dynamic, and subject to update on foot of further information received during the course of an investigation.

To date, a total of **1,826** complaints have been opened in 2022 containing **2,990** allegations. Please note one complaint can contain more than one allegation.

A total of **68** complaints were received in the Donegal Division containing **114** allegations.

### **Donegal Division**

#### 68 complaints and 114 allegations

Following the admissibility process:

*Admissible/part admissible*      38      84

*Inadmissible*                      30      30

#### Allegation Type in admissible allegations:

Allegation Type	
Abuse of Authority	23
Falsehood or Prevarication	1
Discourtesy	9
Misuse of Money or Property	1
Neglect of Duty	36
Non-fatal Offence	12
Awaiting allegation type decision	2

### **Note on how complaints are assessed by GSOC**

Coimisiún Ombudsman an Gharda Síochána, 150 Sráid na Mainistreach Uachtarach, Baile Átha Cliath 1, D01 FT73  
Garda Síochána Ombudsman Commission, 150 Upper Abbey St, Dublin 1, D01 FT73

All complaints received by GSOC are assessed against criteria listed in the Garda Síochána Act, 2005 to determine if they are admissible. For a complaint to be admissible, it must meet the following criteria:

According to section 87 of the Act, GSOC can admit a complaint if it:

- It must be made by (or, in certain circumstances. On behalf of) a person who is directly affected by, or who witnesses, the conduct subject of complaints;
- It must relate to behaviour which would, if proven, constitute a criminal offence or a breach of Garda discipline by a member of the Garda Síochána;
- It must be made within the time limit of within one year of the incident subject of the complaint;
- It must not relate to the general direction and control of the Garda Síochána by the Garda Commissioner; and
- It must not relate to the conduct of a member of the Garda Síochána while the member was off duty, unless the conduct alleged would, if proven, be likely to bring discredit on the Garda Síochána

If a complaint does not meet the criteria it is deemed inadmissible and no further action is taken by GSOC.

After a complaint is deemed admissible it can be dealt with in a number of ways depending on what is alleged.

All allegations of criminal offences by Gardaí are investigated by GSOC investigators under section 98 of the Act.

If breaches of discipline have being identified these complaints can be dealt with in a number of ways, such as:

- unsupervised disciplinary investigations (under section 94 of the Act), conducted by Garda Superintendents
- Supervised investigation (under section 94(5)). These are also conducted by Garda Superintendents but are supervised by GSOC investigators. These investigations are conducted by Garda Superintendents in line with Garda Discipline regulations.
- Non-criminal investigations (under section 95 of the Act) are carried out by GSOC investigators.

### **What people complaint about**

Common matter about which people complain to GSOC include:

- Neglect of Duty – allegations that a Garda failed to take an action that could have been reasonably expected. This could range in seriousness from not returning a phone call to failure to properly investigate an alleged serious crime.
- Abuse of Authority – This might include excessive use of force, or an instruction to do something which the person making the complaint believes was beyond the Garda's authority to instruct.
- Non-Fatal Offence – These are allegations of a criminal offence listed in the Non-Fatal Offences against the Person Act 1997 and include, for example, assault.
- Discourtesy – complaints related to the manner in which a Garda spoke to or behaved towards a person.

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